

### **DETAILED ACTION**

**The Notice of Allowance mailed 1/28/2010 is hereby VACATED in favor of below**

#### ***Status of the Application***

Receipt is acknowledged of a responsive supplemental amendment, which was dated on 28 December 2009.

#### ***Status of the Claims***

Claims 1-11,13-18,21-23,27-52, 56-57 were pending. Applicants canceled claims 1,13-17,22-23, 28-36, 42-43,51-56. In addition, Applicants amended claim 58. Therefore, claims 2-11,18,21,27,37-41,44-50,57-58 are currently pending and examined on the merits.

Please note that all previous species elections are hereby withdrawn in view of the fact that that the art search was extended to all species and no prior art was found that anticipates or renders obvious the instant claims in accordance with MPEP § 803.02. In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no

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longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Please add the following as the first paragraph of the specification:

This application is a 371 of PCT/EP99/06316.

Authorization for this examiner's amendment was given in a telephone interview with Martha Cassidy on 3/1/2010 (see attached interview summary).

Please replace p 18 lines 25-27 of the specification with:

-- Further aspects of the invention, in particular, an illumination matrix can be controlled to generate an optionally --

Please replace p 22 lines 10-12 of the specification with:

-- Preparation of an opto-fluidic reaction carrier. In this connection, the --

Please amend claim 58b as follows:

(b) positioning a transparent biochip carrier, wherein said carrier has a surface that comprises photoactivatable cleavable protective groups located thereon ~~in~~ for photochemical synthesis at predetermined areas of said biochip carrier surface, between said illumination matrix and said detection matrix and in the light path of said

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illumination matrix such that light from the illumination matrix illuminates and is transmitted through said biochip carrier and to said detection matrix;

Please amend claims 27 and 41 as follows:

27. (Currently Amended) The method of claim 58,

(a) wherein said biochip carrier has a surface which comprises the photoactivatable cleavable protective groups located at ~~on~~ predetermined areas of said biochip carrier surface and wherein said programmable illumination matrix is a UV light source array comprising a plurality of individually controllable light sources; and

(b) wherein said specific two-dimensional light exposure pattern activates said photoactivatable cleavable protective groups ~~on~~ at said selected predetermined area areas of said biochip carrier surface.

41. (Currently Amended) The method of claim 27, wherein said activating photoactivatable cleavable protective groups comprises cleaving a protective group ~~on the photoactivatable groups on~~ at said selected predetermined areas of said biochip carrier surface.

### ***Allowable Subject Matter***

Claims 2-11,18,21,27,37-41,44-50,57-58 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER M. GROSS whose telephone number is (571)272-4446. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on 571 272 0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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